

REMARKS

In the above referenced case, claims 1-30 are pending. Applicant will sequentially address the issues raised by the Examiner.

I. The 35 U.S.C. §112, Second Paragraph, Rejections

Claims 14 and 17 were rejected under 35 U.S.C. §112, Second Paragraph, as being indefinite for including the word “substantially.”

1. MPEP Guidelines re “Substantially”

“The fact that claim language, including terms of degree, may not be precise, does not automatically render the claim indefinite under 35 U.S.C. 112, second paragraph.” MPEP 2173.05(b).

“The term ‘substantially’ is often used in conjunction with another term to describe a particular characteristic of the claimed invention.” MPEP 2173.05(b)(D). For example, the MPEP acknowledges that a limitation such as “to substantially increase the efficiency” is definite in view of the general guidelines contained in the specification. *Id.*

In the present case, the terms “substantially minimize conflicts” (in claim 14) and “substantially random number” (in claim 17) are definite because one of ordinary skill in the art would know what were meant by these terms in view of the general guidelines of the specification.¹ See Specification, page 6, second paragraph.

Therefore, Applicant respectfully requests the Examiner to withdraw the 112, second paragraph rejections.

¹ The embodiments disclosed in the Specification are merely exemplary and should not be construed to limit the scope of the claims to only the exemplary embodiments described.

II. The 35 U.S.C. §103 Rejections

Claims 1-16 and 18-30 were rejected under 35 U.S.C. §103(a) as being unpatentable over Fields et al., U.S. Patent No. 6,128,655 ("FIELDS"). Applicant respectfully traverses the rejections.

It is axiomatic that the cited reference(s) in a §103 rejection must disclose every element in the rejected claim. The Examiner cited a single reference for supporting the 103 rejections. The Examiner has failed to point out any other references for disclosing the additional subject matter necessary to complete a prima facie obviousness rejection. If the Examiner is relying on personal knowledge and believes that one of ordinary skill in the art would have combined the cited reference with such personal knowledge, the Examiner is requested to provide an Affidavit so stating in accordance with 37 CFR 1.104(d)(2) and MPEP 2144.03.

A. Claim 1

Claim 1 recites:

A method for constructing parameterized web documents comprising the steps of:

- (a) receiving as input a current document to be distributed to a user;
- (b) identifying a base document that serves as a reference for said current document;
- (c) decomposing said current document into (i) strings that occur in said base document, and (ii) strings that do not occur in said base document;
- (d) creating a computer program that when executed on a content browser recreates and displays the current document from (i) said base document, and (ii) said strings that do not occur in said base document; and
- (e) distributing said computer program to said user in place of sending to said user said current document in its entirety.

1. Overview of FIELDS

FIELDS discloses a method for extracting content from a web page, recasting the content in the look and feel of a hosting site, and sending the recast page to a client to satisfy its request for the web page. FIELDS, col. 3, lines 2-9. Specifically, FIELDS discloses two embodiments.

In the first embodiment, a hosting site receives a client's request for a web page. FIELDS, col. 4, lines 33-38. The hosting site retrieves the requested web page from a content server and uses filter definitions and policies specific to the content server to parse the web page for desired content. FIELDS, col. 4, lines 50-57. The desired content is then recast into a new web page which matches the look and feel of the hosting site. FIELDS, col. 4, lines 57-62. Lastly, the entire recast page is sent to the client in response to its request for the web page. FIELDS, col. 4, lines 62-63.

In the second embodiment, to satisfy a client's request for a web page, a hosting site sends a cached pre-composed page and a Java applet to a client. FIELDS, col. 6, lines 1-6. The cached page has most of the desired content of the web page but presented in the look and feel of the hosting site. Id. The client uses the Java applet to directly access the content server to obtain dynamic content of the web page which can be added to the cached page. Id.

2. FIELDS Does Not Disclose or Suggest Claim 1 as a Whole

Neither embodiment disclosed in FIELDS discloses or suggests multiple elements and limitations recited in claim 1.

a. The First Embodiment of FIELDS Does Not Disclose or Suggest Multiple Elements and Limitations of Claim 1

Element (c) of claim 1 recites: "decomposing said current document into (i) strings that occur in said base document, and (ii) strings that do not occur in said base document." The Examiner cited the filter definitions and policies in FIELDS as allegedly disclosing the base document as recited in claim 1.

In FIELDS, a requested web page is parsed by a hosting site using filter definitions and policies specific to the content server of the web page to extract "pieces of content" that are then "recast into a new web page ... that matches the look and feel of the hosting Web site." FIELDS, col. 4, lines 50-60. FIELDS separates the

web page into strings that satisfy the filter definitions and policies (e.g., desired content) and strings that do not satisfy the filter definitions and policies (e.g., the web page formatting from the original content server).

Element (d) of claim 1 recites “creating a computer program that when executed on a content browser recreates and displays the current document from (i) said base document, and (ii) said strings that do not occur in said base document.” FIELDS fails to disclose multiple limitations of this element.

First, in FIELDS, the recast page is sent and rendered by the client browser, not the requested web page. The recast page includes some content from the requested web page but presented in the hosting web site’s format. In contrast, element (d) of claim 1 requires that the current page (i.e., the page requested by the user) be recreated by the browser.

Second, the recast page in FIELDS is not recreated based on the base document and strings that do not occur in the base document as required by claim 1. While FIELDS’ filter definitions and policies are tools and rules used to process a document, they are not themselves a document.

Third, even assuming (for argument’s sake only) that the filter definitions and policies disclosed in FIELDS constitute the base document, the “strings that do not occur in the base document” would be the discarded portions of the requested web page (e.g., the formatting from the original content server). Following this logic, the current page has to be recreated by the client browser using the formatting by the original content server. This cannot be done because FIELDS discards the original formatting. FIELDS discloses sending a substantially transformed web page that lacks much of the original format of the requested web page. This is not the same as recreating the original web page.

Fourth, the first embodiment of FIELDS does not disclose or suggest sending any computer program to the client browser in place of sending a web page in its entirety (as required by claim 1). Instead the recast page is sent to the client browser in its entirety.

Based on the foregoing, the first embodiment of FIELDS fails to disclose or suggest multiple elements and limitations of claim 1.

b. The Second Embodiment of FIELDS Also Does Not Disclose or Suggest Multiple Elements and Limitations of Claim 1

The second embodiment of FIELDS discloses sending a cached pre-composed page and a Java applet to a client to satisfy its request for a web page. The cached page is formed by the method of the first embodiment (i.e., by extracting desired content from the web page using filter definitions and policies) except this method is not performed dynamically. FIELDS, col. 5, lines 12-15 & 50-55. As a result, some dynamic content (e.g., advertisements) has to be obtained from the content server in real time by the client browser via the Java applet.

First, FIELDS fails to disclose or suggest at least element (d) of claim 1, which requires recreating the current document. The Examiner cited the Java applet in FIELDS as allegedly disclosing the computer program recited in element (d). The Java applet in FIELDS is a computer program that is executed by the client browser to obtain dynamic content (e.g., advertisement) from the original content server. FIELDS, col. 6, lines 1-4. The dynamic content can be merged with a cached page to present content of the requested web page in the look and feel of a hosting site. FIELDS, col. 6, lines 4-6.

The Java applet in FIELDS (when executed) does not recreate and display the current document. Instead, when executed, the Java applet retrieves dynamic content from the content server to be added to the cached page (which is presented in the look and feel of the hosting site). FIELDS, col. 6, lines 1-6. Thus, the current document cannot be recreated at the client browser by executing the Java applet disclosed in FIELDS.

Second, even assuming (for argument's sake only) that the Java applet in FIELDS does recreate the current document, as shown in Section II.A.2.a above, the recreation is not based on (i) the base document and the (ii) strings that do not occur in the base document.

Based on all of the foregoing, FIELDS does not disclose or suggest multiple elements and limitations recited in claim 1. Thus, claim 1 is not unpatentable over FIELDS and should be in condition for allowance.

B. Claims 2-13

Claims 2-23 are dependent on claim 1. Based on the foregoing arguments with respect to claim 1, these claims should also be in condition for allowance.

C. Claim 24

Independent claim 24 recites substantially the same elements and limitations as discussed above regarding claim 1. Based on the foregoing arguments with respect to claim 1, claim 24 should also be in condition for allowance.

D. Claim 25

Independent claim 25 recites substantially the same elements and limitations as discussed above regarding claim 1. Based on the foregoing arguments with respect to claim 1, claim 25 should also be in condition for allowance.

E. Claim 26

Claim 26 is dependent on claim 25. Based on the foregoing arguments with respect to claim 25, these claims should also be in condition for allowance.

F. Claim 27

Independent claim 27 recites substantially the same elements and limitations as discussed above regarding claim 1. Based on the foregoing arguments with respect to claim 1, claim 27 should also be in condition for allowance.

G. Claim 28

Independent claim 28 recites substantially the same elements and limitations as discussed above regarding claim 1. Based on the foregoing arguments with respect to claim 1, claim 28 should also be in condition for allowance.

H. Claim 29

Independent claim 29 recites substantially the same elements and limitations as discussed above regarding claim 1. Based on the foregoing arguments with respect to claim 1, claim 29 should also be in condition for allowance.

G. Claim 30

Claim 30 is dependent on claim 29. Based on the foregoing arguments with respect to claim 29, these claims should also be in condition for allowance.

II. The 35 U.S.C. §103 Rejections Regarding Dependent Claims

Some dependent claims were rejected under 35 U.S.C. §103(a) as being unpatentable over FIELDS in view of one or more other patents. Based on the foregoing regarding independent claims 1, 24, 25, 27, 28 & 29, Applicant respectfully submits that the §103 rejections of the dependent claims are now moot and these claims are in condition for allowance.

III. Conclusion

In view of the foregoing, it is respectfully submitted that the application is now in condition for allowance. Should the Examiner believe that a telephone interview would help advance the prosecution of this case, the Examiner is requested to contact the undersigned attorney.

Respectfully submitted,

By: 
Roxana H. Yang
Registration No. 46,788

PatentEsque Law Group
P.O. Box 400
Los Altos, CA 94023
(650) 948-0822